

## **The First 60 Acres: A NRDA Restoration Project**

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He has been engaged in Natural Resource Damage Assessment (NRDA) since 1982 working on the Motco, Brio, Dixie, Sheridan, and French Limited Superfund Sites settlements. He has also been involved in response action and NRDA settlements on six oil spill events on the Texas Coast. He has served as a consultant on development of a memorandum of agreement for negotiated settlements between the responsible parties and State and federal trustees, and was also involved in preparing the published rules for damage assessments both from the Department of Interior and the National Oceanic and Atmospheric Administration.

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Natural Resource Damage Assessment (NRDA) is a process that allows State and federal agencies to recover damages from a spill or release of toxic materials that causes injury to resources under their jurisdiction. The French Limited Site off of US 90 near Crosby, Texas was a release site for hazardous chemicals into the San Jacinto River basin during the 1970s. The superfund law (CERCLA) provided the mechanism for the resource agencies to ask for compensation from the responsible parties for injuries that may have occurred due to releases of chemicals from the site.

Negotiations between the resource agencies and the French Limited Trust Group (representing all the responsible parties) settled on the creation of 25 acres of intertidal wetlands in the San Jacinto floodplain as just compensation. The exact location of a restoration project was evaluated through a selection process and the deteriorated Brownwood Subdivision of Baytown was eventually chosen to satisfy the consent decree. A later presentation in this section will give the history of the deterioration of Brownwood.

The French Limited Trust Group undertook this operation with the resource agencies serving in an oversight capacity. During the development of this project the Trust Group expanded the actual area to be restored in order to create a buffer zone around the developing wetlands. The project included removal of concrete slabs that once supported homes and served as driveways, removal of some old abandoned homes, removal of urban streets, filling or removal of swimming pools and restructuring the contour of the land. Much of the concrete in the slabs was broken and moved to serve as wave attenuation barriers or to reduce erosion at the mouth of the tidal guts that now open into the bay.

The land was restructured by laser leveling techniques so that the elevation would promote the growth of tidal marsh plants. A few islands of higher ground were left in place and used to create some freshwater ponds and enhance the growth of hardwood trees. Several species of hardwood trees were also planted on these islands. The objective was to create as much habitat diversity as possible in order to compensate for the type of wildlife species and their habitat that may have suffered injury from the French Limited Site.

Working with the Parks and Recreation Department of the City of Baytown, the resource agencies, and the public, the French Limited Trust Group was able to create a tidal marsh, with associated uplands, that is producing many natural resources and compensating the public for their loss resources that were associated with the former French Limited Superfund Site. This project was a major boost for the development of the Baytown Nature Center discussed in the next four presentations.